

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Magistrate Docket No

2008 JAN 22 AM 10:50

08 MJ 01 68
CLERK'S OFFICE
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff,

COMPLAINT FOR VIOLATION

v.

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

Felipe ALVAREZ-Escobar,

Defendant

The undersigned complainant, being duly sworn, states:

On or about **January 17, 2008** within the Southern District of California, defendant, **Felipe ALVAREZ-Escobar**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANTJames Trombley
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF January 2008
Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Felipe ALVAREZ-Escobar

PROBABLE CAUSE STATEMENT

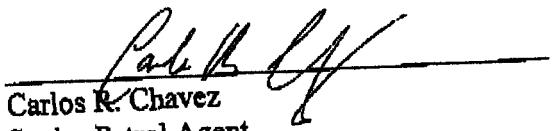
I declare under the penalty of perjury that the following statement is true and correct:

On January 17, 2008, Border Patrol Agents R. Schiller and S. Randitch were patrolling near Tecate, California. This area is located approximately two miles east of the Tecate, California Port of Entry and approximately one mile north of the United States/Mexico International border.

At approximately 9:30 p.m., the dispatch center notified the agents of possible illegal alien activity in the vicinity of the intersection of South Grapevine Road and State Route 94. Upon arriving in the area, Agents Schiller and Randitch proceeded to walk south on a trail commonly used by illegal aliens attempting to further their illegal entry north into the United States. Agent Schiller then encountered two individuals walking towards him. Agent Schiller identified himself as a United States Border Patrol Agent in the English and Spanish languages. Agent Schiller then performed field immigration interviews on both individuals, including one later identified as the defendant Felipe ALVAREZ-Escobar. The defendant and the other individual freely admitted to being citizens and nationals of Mexico illegally present in the United States. Agent Schiller then questioned the defendant and the other individual if they had any legal immigration documents in their possession. The defendant and the other individual stated they did not possess any legal immigration documents that would allow them to be or remain in the United States legally. At approximately 10:00 p.m., the defendant and the other individual were arrested and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on November 9, 2007 through Del Rio, Texas. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on January 19, 2008 at 10:00 a.m.

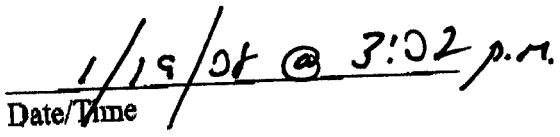


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 17, 2008, in violation of Title 8, United States Code, Section 1326.



Jan M. Adler
United States Magistrate Judge



Date/Time 1/19/08 @ 3:02 p.m.